

# EXHIBIT D

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**Congress of the United States**  
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April 24, 2024

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Regan:

I write today to express my deep concern regarding the operations of the Interim Third-Party Manager (ITPM) Ted Henifin and JXN Water, which manages the water and sewer systems in Jackson, Mississippi.

To start, I have learned the ITPM has failed to follow mandated competitive procurement processes outlined in the Interim Stipulated Order (ISO). Despite the emergency response phase ending over a year ago, there has been no initiation of competitive bidding for water system operations and maintenance. This lack of transparency not only denies Jackson the opportunity to secure the best value for taxpayer dollars, but it also weakens negotiation leverage, hinders accountability, and erodes public trust in the management of the water system. Residents deserve transparency and the assurance that their city is obtaining the most effective and responsible management for its critical water infrastructure.

Furthermore, JXN Water's fourth-quarter progress report reveals troubling delays in critical infrastructure projects. These delays pose a serious risk to residents' access to safe drinking water and clean waterways. Recent incidents, such as boil water notices and sewage spills into the Pearl River, emphasize the urgency of completing these projects. While the ITPM claims that the U.S. Environmental Protection Agency (EPA) approved delays, proof of such extensions has not been provided to the city. This lack of communication is unacceptable and defies the ISO, which mandates effective communication between the ITPM and city officials.

It has also come to my attention that the ITPM revised the Financial Management Plan (FMP) and presented two scenarios. One is a 41% rate increase, while the other plan relies on Congress to modify the appropriation of \$600 million for debt retirement. However, the city of Jackson does not support this amendment due to uncertainties about Congressional approval and the ITPM's failure to actively pursue additional federal funding sources. This situation could lead to an inevitable 41% rate increase, severely impacting residents and hindering efforts to rebuild the tax base.

To further complicate matters, Mr. Henifin publicly endorsed Mississippi Senate Bill 2628, which proposes transferring control of water and sewer assets from Jackson to a regional authority. This directly contradicts Mr. Henifin's primary responsibility, which is to ensure Jackson's water and sewer systems comply with federal environmental and drinking water laws.

Jackson residents deserve a safe and reliable water system. The EPA has a critical role to play in ensuring the ITPM prioritizes the health and well-being of the community by delivering efficient, transparent, and accountable management of the water infrastructure.

Therefore, I urge EPA to do the following:

1. Clarify the ITPM's responsibilities concerning competitive procurement processes, ensuring transparency and equitable distribution of public funds for contracts and projects.
2. Collaborate with the judiciary and the Department of Justice to address these concerns and ensure Jackson receives the necessary assistance.

I thank you for your immediate attention to this matter. Should you have any questions or concerns, please contact Deidre Alexander in my Washington, D.C. office at 202-225-5876 or via email at [deidre.alexander@mail.house.gov](mailto:deidre.alexander@mail.house.gov).

Sincerely,

A handwritten signature in black ink, reading "Bennie G. Thompson". The signature is fluid and cursive, with the first name "Bennie" being the most prominent.

Bennie G. Thompson  
Member of Congress